

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KEVIN PEAK,

Plaintiff,

vs.

CAITLYN CASSIDY, and all persons acting
in active concert & participation with her;

Defendant.

8:22CV378

MEMORANDUM AND ORDER

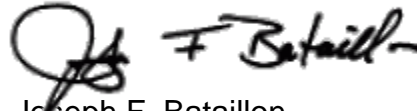
This matter is before the Court on Plaintiff's Motion to Dismiss, [Filing No. 10](#), which the Court construes as a motion to voluntarily dismiss pursuant to [Federal Rule of Civil Procedure 41](#). [Rule 41\(a\)](#) states that a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." [Fed. R. Civ. P. 41\(a\)\(1\)\(A\)\(i\)](#). In addition, [Rule 41\(a\)\(2\)](#) provides that an action may be dismissed at the plaintiff's request "on terms that the court considers proper." [Fed. R. Civ. P. 41\(a\)\(2\)](#). Here, Plaintiff asks the Court to dismiss this action and Defendants have not been served with process. Accordingly,

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Dismiss, [Filing No. 10](#), is granted and this matter is dismissed without prejudice.
2. A separate judgment will be entered in accordance with this Memorandum and Order.

Dated this 27th day of February, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Judge